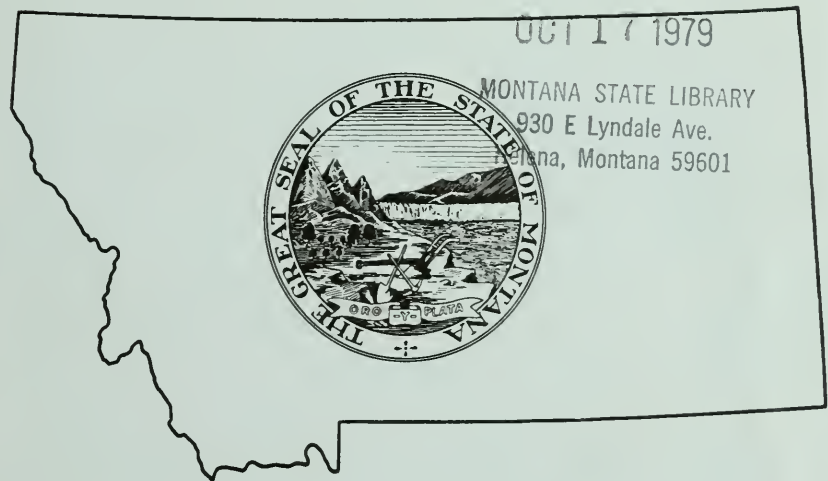


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Introduction to

THE MONTANA LEGISLATIVE COUNCIL

STATE DOCUMENTS COLLECTION

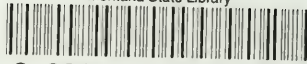


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MONTANA LEGISLATIVE COUNCIL

SENATE MEMBERS

✓ David F. James,
Chairman
Ben S. Brownfield
✓ Dave M. Manning
Henry B. Hilling
J. A. Turnage
Leonard W. Vainio

HOUSE MEMBERS

Walter J. Ulmer,
Vice Chairman
Francis Bardanouve,
Secretary
Henry S. Cox
C. R. Fischer
Jack R. McNamara
James E. Murphy

* * *

Donald L. Sorte,
Executive Director

State Capitol
Helena

HISTORY AND BACKGROUND

The Montana Legislative Council was created by the Legislative Assembly in 1957. It is a permanent agency of the legislative branch of state government established to give between-sessions study to selected problems confronting the legislature, and to perform other services which facilitate the legislative process.

The Montana Legislature meets for only sixty days during every two year period. During this time each senator and representative is called upon to study several hundred bills on a wide variety of subjects, including appropriations involving hundreds of millions of dollars for state agencies and institutions. Time is short and some assistance is needed if a legislator is to perform his duty efficiently.

In this century state government has not only grown bigger; it has become incredibly complex. A widening spectrum of problems -- education, taxation, government organization, industrial expansion, resource development, and many others -- are challenging the ingenuity of state legislatures. Yet, the declining power and prestige of state legislatures during recent history has made serious inroads on the division of powers and coordinate character of the three branches of government.

The Book of the States suggested that legislative councils and other legislative service agencies "have been occasioned largely by the increasing number and complexity of the problems confronting our legislatures and by the mounting cost of government. They have become necessary means of enabling the law-making bodies to carry out their responsibilities as a coordinate branch of government, especially since our state legislators typically must divide their time between legislative duties and their customary employment..." The spread of the legislative council idea is characterized in this publication as "the most significant development in the legislative service field during the past thirty years." More than forty states have established Legislative Councils or Council-type agencies.

PURPOSES AND PROGRAMS

The Legislative Council is charged by law with the responsibility to compile, analyze and furnish to the legislature "such information bearing upon any matters relating to existing or prospective legislation as may be determined by it upon its own initiative pertaining to important issues of policy and questions of statewide importance..." The Council is also to present to the legislature "such bills and resolutions as in its opinion the welfare of the state may require..." Other provisions of the act creating the Legislative Council give it authority to investigate and examine the costs of state governmental activities and to examine and inspect the records of any agency or institution of state government. The Council also has authority to hold hearings, administer oaths and issue subpoenas.

Under this broad grant of statutory authority the operation of the Legislative Council has gradually evolved into two distinct programs.

Legislative Research

During each interim the Council undertakes a number of major research projects. Usually these studies are assigned by a joint resolution approved during the previous legislative session, although the Council may undertake studies on its own initiative. In conducting interim research the Council does not purport to act for the legislature; its only function is to detect important problems of state government, and submit factual material, conclusions and recommendations for the consideration of the legislature.

The research methods of the Council vary with the nature of the study. In a study of major importance the Council has followed the practice of appointing a subcommittee which assumes the primary responsibility of directing staff research. Subcommittees submit their findings, recommendations, and any necessary legislation to the full Council which may reject, amend or accept the reports. All subcommittee reports adopted by the Council are published before the legislative session.

Although the Council staff performs most of the interim research, it does not operate in a vacuum. An important feature of major studies conducted by the Council is the active participation of legislators, advisory groups and subject matter experts in the successive stages of problem definition, research, and analysis of findings. The formulation of conclusions and recommendations is the exclusive responsibility of legislators serving on the various Council subcommittees.

Since its creation the Council has issued the following major research publications:

1957-58 Interim

Legislative Handbook

Report No. 1 - Montana State Prison

The Administration of Higher Education in Montana

(By G. Homer Durham)

General Report No. 1

1959-60 Interim

The State Government of Montana (Organization Chart)

Report No. 2 - Legislative Procedures

Report No. 3 - The Organization and Administration of
State Government

Report No. 4 - State Lands and Investments

Report No. 5 - Higher Education

Report No. 6 - Property Taxation in Montana

General Report No. 2

1961-62 Interim

*Bill Drafting Manual for the Montana Legislative Assembly

*Report No. 7 - Executive Reorganization

*Report No. 8 - Fiscal Control

*Report No. 9 - State Treasury Fund Structure

1963-64 Interim

*The State Government of Montana (Organization Chart)

*Report No. 10 - Legislative Rules

*Report No. 11 - Public Official and Employee Bonds --
Fees Collected by State Agencies

*Report No. 12 - Personnel Management

*Report No. 13 - Administration of State Liquor Monopoly

*Report No. 14 - Investment of Public Funds

*Report No. 15 - Revision of Laws for the Department of
Public Institutions

Report No. 16 - Property Taxation and the Montana
Property Classification Law

1965-66 Interim

*Report No. 17 - Legislative Fiscal Analysis

*Report No. 18 - Revision of Public Health Laws --
Revision of Fire Protection Laws

*Report No. 19 - Professional and Occupational Licensing
Boards

*Report No. 20 - Revision of Laws for Public Schools

*Report No. 21 - Conservancy Districts

Report No. 22 - Retirement Systems for Policemen and Firemen

*Report No. 23 - Montana Taxation

Copies of reports marked with an asterisk may be
obtained without charge from the Council offices in Helena.

Studies assigned by the 1967 legislative assembly
direct the Council to:

(1) Conduct a comprehensive study of the election laws of the state including a study of the laws relating to municipal elections with a view toward suggesting amendments to allow municipalities to hold their elections in connection with the general elections as requested by Senate Joint Resolution No. 3 and House Joint Resolution No. 20.

(2) Conduct a comprehensive study of all government supported vocational-technical educational facilities to determine whether they are adequate and whether Montana should develop post-secondary vocational-technical schools, community colleges, or both, as requested by House Joint Resolution No. 23.

(3) Conduct a study to determine whether or not the present constitution is adequately serving the needs of the people of Montana as requested by Senate Resolution No. 22 and House Resolution No. 17.

(4) Conduct a study to determine the need of establishing uniform design and construction standards relating to the building industry of Montana as requested by Senate Joint Resolution No. 17.

(5) Study state printing and duplicating procedures as requested by House Joint Resolution No. 18.

(6) Conduct a comprehensive study of all aspects of the taxation of corporations in Montana as requested by Senate Resolution No. 36 and House Resolution No. 24.

(7) Compile any data necessary to keep informed on uses of water for the development of coal and water resources in Eastern Montana as requested by Senate Resolution No. 38.

Legislative Services

Equally important as the major research projects undertaken during the interim, are staff services to individual legislators. Although the professional staff is employed by, and operates under, the general direction of the Council, the services offered to individual legislators are completely independent of any supervision by Council members.

The Committee on Organization of Legislative Services of the National Legislative Conference concluded that "... to deal intelligently with the many complex problems and issues which come before them, our state legislatures must be equipped with strong, highly qualified staffs. Only thus, can the lawmakers obtain the relevant facts which they need; only thus can they undertake studies and conduct inquiries into pressing social and economic problems; only thus can they formulate programs and enact sound legislation. In no other way, given the complex setting of the mid-twentieth

century, can our legislatures retain status coordinate with the executive and judicial branches of state government..."

On request, the staff will prepare impartial factual reports on various topics of interest to any member of the legislature. Such requests often ask for detailed information on the operation of a particular state agency, and sometimes involve gathering comparative information on what other states are doing on a particular subject. All requests by legislators for "spot research" work of this nature and the responses to such requests are kept strictly confidential.

As an aid in performing such research, a legislative reference library containing thousands of books, pamphlets and reports relating to the operation of state government is maintained in the Council offices. Through exchange agreements, reports are received from other legislative service agencies and from about one hundred research organizations -- both private and those associated with universities. Listings of major studies underway and recent publications on government problems are received regularly from the federal government, states, and private organizations. The Council also subscribes to a number of periodicals. From these sources, it is often possible to answer immediately legislators' questions on such subjects as business, agriculture, taxation, education, and many others. If not, the extensive collection of bibliographies often indicates that the information can be obtained from other libraries through loan agreements.

Another important and popular staff service to individual legislators is the Council's bill drafting service. The Council staff, within limitations of time and personnel, drafts bills on any subject for any member of the legislature. During the two months preceding the legislative session and during the twenty-day period of introduction of bills, the entire Council staff devotes most of its time to drafting of legislation requested by individual members. Since the bill drafting service was inaugurated in 1959, the Council staff has drafted more than one thousand five hundred bills at the request of individual legislators. During the 1967 session, more than 500 bills were drafted by the Council staff.

M E M B E R S H I P A N D C O M M I T T E E S

The Legislative Council consists of six members of the House of Representatives appointed by the Speaker, and six members of the Senate appointed by the Committee on Committees. The law requires that no more than three members of each house be of the same political party, so the membership of the Council is always strictly bi-partisan. Membership on the Council ends with the termination of each member's term of office or on December 31 of the year following the year in which the appointment was made, whichever first occurs. A vacancy occurring on the Council when

the legislature is not in session is filled by the remaining members of the Council. Members serve without pay, but are reimbursed for actual expenses incurred while attending Council or subcommittee meetings.

The law creating the Council provides that it shall elect one of its members as chairman and such other officers as may be desirable. The Council is also empowered to appoint special committees composed of other legislators, or private citizens, or both, to study and inquire into any specific governmental problems. To secure the advice of as many legislators as possible, the Council has traditionally arranged for the appointment of non-council member legislators to its subcommittees. To conduct the seven studies assigned to it by the legislature during the current interim, seven subcommittees comprised of forty-five members of the legislature have been appointed.

The Council also utilizes the services of faculty members of the University system and officers and employees of other state agencies. During the current interim the Council will seek such assistance in its studies of taxation, vocational education, election laws, and the adequacy of the Montana constitution.

The following subcommittees have been created by the 1967-68 Council:

Taxation

Sen. Leonard W. Vainio,
Chairman
Rep. James E. Murphy,
Vice Chairman
Sen. LeRoy H. Anderson
Sen. Thomas L. Judge
Sen. Glen T. Rugg
Rep. William S. Goan
Rep. Larry W. Fasbender
Rep. John H. Leuthold

Election Laws

Sen. Henry B. Hilling,
Chairman
Rep. Henry S. Cox,
Vice Chairman
Sen. Richard Dzivi
Sen. Patrick J. Keenan
Rep. Gordon E. Bollinger
Rep. Robert B. McCulloch

Vocational-Technical Education

Sen. Ben S. Brownfield,
Chairman
Rep. Henry S. Cox,
Vice Chairman
Sen. W.F. Hafferman
Sen. Antoinette Rosell
Sen. Stephen J. Shugrue
Rep. Mark Etchart
Rep. Jack Gunderson
Rep. Jack McNamara

Building Standards

Rep. Walter J. Ulmer,
Chairman
Sen. David F. James,
Vice Chairman
Sen. Lochiel Edwards
Rep. Robert M. Fiesthamel
Rep. Peter J. Gilligan
Rep. Robert E. Lee

Water Development

Sen. Dave M. Manning,
Chairman
Rep. James E. Murphy,
Vice Chairman
Sen. Gordon McGowan
Sen. Herbert J. Klindt
Rep. E.W. Christiansen
Rep. George Darrow
Rep. Harold E. Gerke
Rep. Vic East

Constitution

Sen. Jean A. Turnage,
Chairman
Rep. C. R. Fischer,
Vice Chairman
Sen. William A. Groff
Sen. John L. McKeon
Rep. James R. Felt
Rep. Thomas F. Haines
Rep. James T. Harrison, Jr.
Rep. Lawrence G. Stimatz

State Printing

Rep. Francis Bardanouve,
Chairman
Rep. Ray M. Loman
Rep. John H. Pierce
Rep. William E. Spahr

R U L E S O F P R O C E D U R E

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes are maintained and are open to inspection by any member of the legislature. The following rules have been adopted by the Council:

RULES OF PROCEDURE 1967-1968

RULE I

Regular meetings of the legislative council shall be held on the third Monday of each month at 10:00 A.M. in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the chairman on at least ten (10) days notice to the members. Subcommittee meetings may be called at any time convenient to the subcommittee members and on call of the subcommittee chairman.

RULE II

All meetings of the legislative council, or any subcommittee thereof, shall be conducted under the established rules of the senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE III

Special committees or subcommittees shall be established by appointment of the chairman of the council by and with

the approval of the majority of the council present and voting at any regular or special meeting. Membership of all committees shall be of an equal number of both political parties. All subcommittees shall be chaired by a member of the council. Any study or project adopted by the council which requires the expenditure of council funds, shall be under the jurisdiction and control of the council. Any task force, study group, or consultant designated to serve with or under a subcommittee or the council on any project, shall be subject to all legislative council rules.

RULE IV

Subjects studied may be presented by a member of the legislative assembly in writing on the prescribed form. Joint resolutions of the Montana legislative assembly and simple resolutions adopted by a joint committee of the legislative assembly shall have priority over all other proposals.

RULE V

Subject matter to be studied shall become a mandate of council action upon adoption by nine members of the council. Final recommendations to the legislative assembly shall be with the approval of not less than nine members of the council.

RULE VI

The council staff shall assist individual members of the legislative assembly on request by compiling and analyzing material relating to state government. Such research may not exceed two man-days of work without the consent of the council. This limitation shall not apply to the council's bill drafting service during and immediately preceding a legislative session.

RULE VII

Subject to the approval of the council, the executive director may engage necessary stenographic, clerical and other assistance for the operation of the council and its committees.

RULE VIII

The minutes of all regular and special meetings shall be mailed to each member of the council as soon as possible after each meeting.

RULE IX

A subcommittee shall make a progress report on all matters referred to it not later than the next monthly meeting of the council. In case a subcommittee report

presents the final recommendation of the subcommittee on any proposal, such proposal shall then be considered by the entire council. When a subcommittee reports progress, the chairman or member thereof may read or explain the report, and the council may immediately consider the information, facts, and opinions presented in the report and may instruct the committee regarding its further consideration of the proposal. Progress reports shall be of such a nature as to inform other members of the council of the problems involved and the possible solutions which might be considered.

RULE X

Claims and requisitions up to \$100, and payrolls, may be approved by the executive director; all other claims and requisitions must be approved by the chairman of the council.

RULE XI

All meetings shall be open to the public except when in executive session.

RULE XII

Subcommittee chairmen may issue publicity and news releases on behalf of the subcommittee. Subcommittee chairmen shall exercise caution to insure that the publicity and news releases are not construed as applying to the council. All publicity, and news releases on behalf of the council, shall be made by the chairman of the council.

RULE XIII

Alteration, suspension or amendment of these rules may be by vote of nine members of the council.

LEGISLATIVE FISCAL REVIEW

In 1967, the Legislative Assembly adopted House Resolution No. 1 and Senate Resolution No. 6 establishing a legislative fiscal review program. The resolutions noted that the Legislative Assembly is vested with constitutional authority to provide moneys for the operation of state government, that the Assembly is unable to adequately fulfill this constitutional responsibility because of the limited time available to review the executive budget and lack of staff assistance, and that many states have established programs to review and analyze state fiscal programs between legislative sessions as a means of validating the legislature's control over state finances. As requested by the resolutions, an eight-member bipartisan Fiscal Review Committee, four members from each house of the Legislative Assembly, was appointed to (1) study the management, operations, programs, and fiscal needs of the agencies and institutions of state government; (2) hold hearings as

required and review the executive budget requests from state agencies; (3) estimate revenue from existing and proposed taxes; and (4) study the state's financial condition, fiscal organization, and its budgeting, accounting, reporting, personnel, and purchasing procedures. The resolutions asked that a fiscal analyst from the staff of the Legislative Council, appointed with the consent of the Committee, be assigned to work with the Committee and assist the House Appropriations and Senate Finance and Claims Committees during legislative sessions. Members of the Fiscal Review Committee are shown below.

SENATE MEMBERS

C.R. Thiessen,
Chairman
Henry S. Hibbard
Earl Moritz
W. Gordon McOmber

HOUSE MEMBERS

J.O. Asbjornson,
Vice Chairman
William E. Spahr,
Secretary
Sterling Rygg
James P. Nugent





